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PLANT PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications filed under 37 CFR 1.53(b))

Attorney Docket No.	70309P1
First Named Inventor	J. Oud
Title	Lobelia et al.
Express Mail Label No.	EF223058260US

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION ELEMENTS

See MPEP chapters 600 & 1600 concerning plant patent application contents.

- ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Specification [Total Pages 7]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Latin name of genus and species
 - Variety denomination
 - Background of the Invention
 - Brief Description of the Drawings
 - Detailed Botanical Description
 - A single claim
 - Abstract of the Disclosure
- ☒ Color drawing(s) [Total Sheets 2]
(2 copies required - 37 CFR 1.165(b))
- Oath or Declaration [Total Pages 2]
 - ☒ Newly executed (original or copy)
 - ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 16 completed)
 - ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- ☒ Application Data Sheet. See 37 CFR 1.76.

ACCOMPANYING APPLICATION PARTS

- ☐ Assignment Papers (cover sheet & document(s))
- ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
- ☐ English Translation Document (if applicable)
- ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
- ☐ Preliminary Amendment
- ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
- ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
- ☐ Request Nonpublication under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- ☒ Other: Credit Card Form

Note: Please state the Latin name and variety denomination of the plant claimed in a separate section of the specification.

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76.

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Prior application information: Examiner _____

Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number: 22847 OR ☐ Correspondence address below

Name

Address

City

State

Zip Code

COUNTRY

Telephone

Fax

Name (Print/Type)

Edouard G. Lebel

Registration No. (Attorney/Agent)

43,742

Signature

Date

11-12-2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL

for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 530.00

Complete if Known

Application Number	TBD
Filing Date	November 12, 2003
First Named Inventor	J. Qud
Examiner Name	
Art Unit	
Attorney Docket No.	70309P1

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

50-1744

Syngenta

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	530.00
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 530.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid	
Total Claims		-20** =		X		=	
Independent Claims		-3** =		X		=	
Multiple Dependent							

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

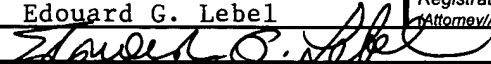
Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)	Edouard G. Lebel	Registration No. (Attorney/Agent)	43,742	Telephone	919-765-5117
Signature		Date	11-12-2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Lebel Edouard USRE

From: Dekker Jolanda NLEN
Sent: Thursday, August 07, 2003 5:15 AM
To: Lebel Edouard USRE
Subject: Plant Patent Lobelia 'Loboudtis'

70309

Dear Edouard,

Please find herewith a plant patent application as well as an electronic photograph of our Lobelia variety 'Loboudtis'.

We will send large photographs, according to the US PTO rules, by post.

Please check if this is okay and send us the assignment and other documents for the breeder to sign.

Thanks and best regards,

Jolanda



Plant Patent.doc



LE047Exp SG30036
Loboudtis.jpg...

Lebel Edouard USRE

From: Dekker Jolanda NLEN
Sent: Tuesday, August 26, 2003 11:20 AM
To: Lebel Edouard USRE
Subject: RE: Plant Patent Lobelia 'Loboudtis'

Hi Edouard,

The inventor is Johan Oud. You have his personal data in other Lobelia applications. Sorry I forgot to mention this when I sent you the request in the first place.

Best regards,

Jolanda

-----Original Message-----

From: Lebel Edouard USRE
Sent: vrijdag 15 augustus 2003 21:45
To: Dekker Jolanda NLEN
Subject: RE: Plant Patent Lobelia 'Loboudtis'

Dear Jolanda,
who is the inventor for this application, and when is the deadline to file?

Thanks and best regards,
Edouard

-----Original Message-----

From: Dekker Jolanda NLEN
Sent: Thursday, August 07, 2003 5:15 AM
To: Lebel Edouard USRE
Subject: Plant Patent Lobelia 'Loboudtis'

Dear Edouard,

Please find herewith a plant patent application as well as an electronic photograph of our Lobelia variety 'Loboudtis'.

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Please check if this is okay and send us the assignment and other documents for the breeder to sign.

Thanks and best regards,

Jolanda

<< File: Plant Patent.doc >> << File: LE047Exp SG30036 Loboudtis.jpg >>

United States Plant Patent

Lobelia erinus named 'Loboudtis'

Inventor Syngenta Seeds B.V. Enkhuizen, Netherlands

Assignee Syngenta Seeds B.V. Enkhuizen, Netherlands

Application No.

Abstract

A new Lobelia plant particularly distinguished by its spreading plant habit, strong branching, large flower size and light blue flower color.

We claim

A new and distinct variety of Lobelia plant, named Loboudtis, as illustrated and described.

Background of the new plant

The present invention relates to a new and distinct cultivar of Lobelia plant.

The new cultivar is propagated by cuttings resulting from the cross between R616 and Z925.

R616 is a light blue flower color selection of own breeding, having a spreading plant habit ,rather strong growth ,good branching planthabit and being early flowering.

Z925 is a blue flower color selection of own breeding, having a strong growth ,trailing planthabit and being early flowering.

Neither R616 or Z925 has been patented.

As a result of this cross the present cultivar was created in 2000 in Enkhuizen, Netherlands and has been repeatedly asexually reproduced by cuttings in Enkhuizen over a 2 year period.

Is has been found to retain its distinctive characteristics through successive propagations and this novelty appears to be firmly fixed.

Description of the photograph

This new Lobelia plant is illustrated by the accompanying photograph which shows blooms, buds and foliage of the plant in full color, the color shown being as true as can be reasonably obtained by conventional photographic procedures.

Description of the new cultivar

The following detailed descriptions set forth the distinctive characteristics of this new Lobelia.

The data which defines these characteristics were collected from asexual reproductions carried out in Enkhuizen, Netherlands. The plant history was taken on 12 weeks old plants.

Specification of differences with most resembling variety

Characteristic	Loboudtis	Blue Star	Ricardii
- plant height	10 cm	10 cm	10 cm
width	30 cm	35 cm	35 cm
shape	spreading	spreading	spreading
- flower color upper surface	95C	95B	95B
lower surface	95C	100A	95B
flower tube	96D	95C	96D

No descriptions of parentlines are available. The only info is mentioned as background of the new plant on page 1.

The Plant

Classification	- Botanical	:	<i>Lobelia erinus</i>
Parentage	- Female parent	:	A seedling named R616 is one of our seedlings from our R-generation of plants bred in 1991.
	- Male parent	:	A seedling named Z925 is one of our seedlings from our Z-generation of plants bred in 1998.
Growth habit		:	Spreading
Plant height		:	10 cm
Spreading area of plant		:	30 cm
Growth rate		:	Strong growth
Strength		:	Good ,exellent
Branching Character		:	Freely branching and lateral branching at every node Pinching will enhance branching. Branches strong and flexible
Blooming period		:	From May till October

The stem

Diameter		:	2.0 mm
Texture		:	Smooth, slightly pubescent, glossy
Color RHS		:	RHS 147A
Length of internode		:	15 mm, depending on the light conditions where the plant is propagated
Shape		:	(Tri)angular

The Foliage

Shape		:	Leaves simple, generally symmetrical and flat. Broadly ovate with rounded apex, obtuse to attenuate base and crenate margin
Texture		:	Slightly pubescent, glossy
Length		:	Young 40 mm, fully expanded 55 mm
Width		:	Young 10 mm, fully expanded 16 mm
Colour	- Upper surface	:	RHS 147A
	- Lower surface	:	RHS 147A

The Flower

Type and habit		:	Flower form at apical axils, usually one flower per axil. Flowers labiate, upper lip consisting of two small petals and lower lip consisting of three larger and broader petals. Petals are fused at base into a tube. Freely and continuously flowering. Flowers face outward. Flowers persistent. Texture, slightly pubescent. Oblong shape with acute apex and entire margin.
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Flower	- Width	: Upper petals 1 mm, lower petals 6 mm
	- Length	: Upper petals 5 mm, lower petals 11 mm
	- Depth	: 8 mm
Texture		: Smooth, pubescent
Buds	- Length	: 7 mm
	- Diameter	: 2 mm
	- Form	: Tubular
	- Color	: Light green
Flower color	- Upper surface	: RHS 95C
	- Lower surface	: RHS 95C
	- Flower tube	: RHS 96D
Sepals	- No. of sepals	: 5
	- Length	: 6 mm
	- Width	: 0.5 mm
	- Texture	: Smooth, slightly pubescent
	- Color	: RHS 146A
Flower stem	- Length	: 20 mm
	- Angle	: Upright
	- Strength	: Rigid, flexible
	- Color	: RHS 147A
Flower throat	- Color	: Upper RHS 96D Lower RHS 96D, spots RHS 95B
	- Texture	: Whiskered

Reproductive organs

Androecium	- Stamen number	: 5
	- Anther shape	: Oblong
	- Anther length	: 1 mm
	- Pollen color	: RHS 202B
	- Amount of pollen	: Moderate
Gynoecium	- Pistel length	: 9 mm
	- Stigma shape	: Bilobate
	- Stigma diameter	: 1 mm
	- Stigma color	: N87A
	- Style color	: Light green
	- Ovary color	: RHS 146A

Seed development

Some seed development has been observed on plants of the new Lobelia.

Seed colour : brown

Seed shape : round

Fruitsize diameter 2 mm

length 4 mm

Fruitcolor RHS 147 A

Disease resistance

No susceptibility nor resistance to fungal, bacterial or viral pathogens has been noted. Material is free of virus.